

David J. Bradley, Clerk

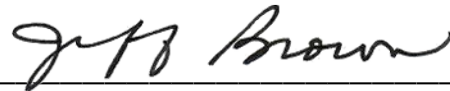
No objections to the Memorandum and Recommendation have been filed. Accordingly, the Court reviews the Memorandum and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also*, FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby **ORDERED and ADJUDGED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 39) is **APPROVED and ADOPTED** in its entirety as the holding of the Court;
- (2) Plaintiff's Alternative Motion for Leave to Amend Pleading (Dkt. 31) is **DENIED**; and
- (3) Defendant's Rule 12(b)(6) Motion to Dismiss (Dkt. 10) is **GRANTED**.

It is so **ORDERED**.

SIGNED on Galveston Island this 15th day of April, 2020.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE